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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,897	12/01/2000	Brent Tzion Hailpern	YOR9-2000-0582US1(8728-42	3671
46069	7590	03/07/2005	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			VAUGHN, GREGORY J	
			ART UNIT	PAPER NUMBER
			2178	
DATE MAILED: 03/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/727,897	Applicant(s) HAILPERN ET AL.	
	Examiner Gregory J. Vaughn	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-14,16-22,28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-14,16-22,28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Application History

1. This action is responsive to the application amendment, filed on 9/13/2004.
2. Applicant has cancelled claims 2, 5, 15 and 23-27; amended claims 1, 8, 12, 13, 19 and 22; and added new claims 28 and 29.
3. Claims 1, 3, 4, 6-14, 16-22, 28 and 29 are pending in the case, claims 1 and 13 are independent claims.
4. Applicant has amended the specification in response to the objections cited by the examiner in the *Specification* section of the previous office action (dated 6/8/2004). Applicant's amendment has addressed the objections previously made, and therefore, in view of the amendment, objections to the specification are withdrawn.
5. Examiner's rejection of claims 8, 12 and 26, made under 35 USC 112 in the *Claim Rejections – 35 USC 112* section of the previous office action (dated 6/8/2004) are withdrawn in view of the amendment to the claims (claims 8 and 12), or the canceling of the claims (claim 26).
6. Examiner's rejection of claims 2, 5, 15 and 23-26, made under 35 USC 102, as being anticipated by Pirolli et al. US Patent 5,895,470 or Lapstun et

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al. US Patent 6,728,000, as recited in the previous office action (dated 6/8/2004) are withdrawn in view of the cancelled claims.

7. Examiner's rejection of claims 1, 3, 4, 6-14, 16-22, made under 35 USC 102, as being anticipated by Pirolli at al. US Patent 5,895,470, as recited in the previous office action (dated 6/8/2004) are withdrawn as necessitated by applicant's amendment.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title."

9. Claims 1-11, remain rejected and claim 28 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

10. The claimed invention is so abstract and sweeping as to cover the method if practiced by a human operator assisted only by pencil and paper. The claims 1-11 and 28 do not include a particular machine or apparatus, and no machine-implemented steps are recited. Every step is capable of performance by the human mind. A method of this sort, traditionally called a "mental process", is not patentable subject matter.

"Phenomena of nature, though just discovered, *"mental processes"*, abstract intellectual concepts are not patentable as they are the basic tools of

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scientific and technological work." (Emphasis added). *Gottschalk v. Benson*, 175 U.S.P.Q. 673, 675 (U.S.S.C. 1972). See also, *In re Prater and Wei*, 159 U.S.P.Q. 583 (1968), *rehearing*, 162 U.S.P.Q. 571 (1969).

11. **Also regarding Claims 1-11 and 28**, the method claimed in claims 1-11 and 28 are not embodied on a computer readable medium. Methods not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). See MPEP § 2106 (IV.1.a)

Furthermore, the method claimed in claims 1-11 and 28 are a non-descriptive data structure. Descriptive material that cannot exhibit any functional interrelationship with the way in which computing processes are performed does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. 101. See MPEP § 2106 (IV.1.b)

Claim Rejections - 35 USC § 112

12. The following is a quotation of the first paragraph of 35 U.S.C. 112:

"The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention."

13. Claims 1 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The examiner cannot find support for the added limitations in the originally filed specification, and the applicant has failed to specify where the support for the added limitations can be found. Applicant is required to cancel the new matter in the reply to this Office action.

14. **Regarding claims 1 and 13**, the new matter recited in the claims is *"the seed document comprising at least one hyperlink to the at least one hyperlinked document"* (see pages 4 and 6 of the amendment filed 9/13/2004).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

16. Claims 1, 3, 4, 6-14, 16-22, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pirolli et al. US Patent 5,895,470, filed 4/9/1997, patented 4/20/1999 (hereinafter Pirolli) in view of Lapstun et al. US Patent 6,728,000, filed 5/23/2000, patented 4/27/2004 (hereinafter Lapstun).

17. **Regarding independent claim 1**, Pirolli discloses collecting a hyperlink document based upon a seed document, where the seed document contains a hyperlink to the document. Pirolli discloses resolving an anchor in the seed document with an object in the hyperlinked document. Pirolli recites: *"Referring to FIG. 2, the walker uses the Hypertext Transfer Protocol (HTTP) to request and retrieve a web page, step 201. The walker may also be able to access the pages from the local file system, bypassing the HTTP. The returned page is then parsed to extract hyperlinks to other pages, step 202. Links that point to pages within the Web locality are added to a list of pages to request and retrieve, step 203"* (column 6, lines 8-15).

Pirolli discloses referencing the anchor and the object based on location in a meta-document, where the meta-document contains the seed document and the hyperlinked document. Pirolli recites: *"The meta-information for the page is also extracted and stored, step 204. The meta-information includes at least the following page meta-information: name, title, list of children (pages associated by hyperlinks), file size, and the time the page was last modified. The page is then added to a topology matrix, step 205. The topology matrix represents the page to page hypertext relations, and a set of meta-information called the meta-document vectors, which represents the meta-information for each Web page"* (column 6, lines 15-24).

Pirolli discloses collecting a hyperlink document based upon a seed document, where the seed document contains a hyperlink to the document; resolving an anchor in the seed document with an object in the hyperlinked document; referencing the anchor and the object based on location in a meta-document, where the meta-document contains the seed document and the hyperlinked document, as described above. Pirolli fails to disclose publishing the meta-document.

Lapstun teaches the publication of a meta-document. Lapstun recites: *"A document instance 831 corresponds to a formatted document 834. It consists of a set of page instances 830, each of which corresponds to a page description 5 of the formatted document. Each page instance 830 describes a single unique printed netpage 1, and records the page ID 50 of the netpage"*

(column 15, lines 17-22) and *"provide a paper-based user interface to published information"* (column 10, lines 15-16).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to use the publishing feature taught by Lapstun with the linked collection of document system of Pirolli in order to provide a "system for printing from a computer using a printer which prints interactive documents" (Lapstun, column 1, lines 46-47).

18. **Regarding dependent claim 3**, Pirolli recites: *"Referring to FIG. 2, the walker uses the Hypertext Transfer Protocol (HTTP) to request and retrieve a web page, step 201. The walker may also be able to access the pages from the local file system, bypassing the HTTP. The returned page is then parsed to extract hyperlinks to other pages, step 202. Links that point to pages within the Web locality are added to a list of pages to request and retrieve, step 203"* (column 6, lines 8-15).

19. **Regarding dependent claim 6**, Pirolli recites: *"Categorization techniques are based on representations of Web pages as feature vectors containing information about document content"* (column 2, lines 17-19). Compare *"Table of Contents"* to *"document contents"*.

20. **Regarding dependent claim 7**, Pirolli recites: *"These feature vectors are used to identify and rank particular kinds of Web pages, such as "organization home pages" or "index pages" (column 2, lines 21-23).*

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21. **Regarding dependent claim 8**, Pirolli discloses in Figure 5, a table representing “Inlinks” and “Outlinks” at reference signs 504 and 505 respectively, as a dimension of a document (shown at reference sign 501 as “Page 1”, “Page 2” etc). Pirolli further discloses in Figure 5, at reference sign 506, the frequency of links, where the frequency is a coordinate of the hyperlink dimension. Pirolli discloses in figure 7, the clustering of documents as vectors.
22. **Regarding dependent claim 9**, Pirolli recites: “*The site’s topology is ascertained via “the walker”, an autonomous agent that, given a starting point, performs an exhaustive breadth-first traversal*” (column 6, lines 4-6).
23. **Regarding dependent claim 10**, Pirolli recites: “*cdepth, the average depth of the item’s children as measured by the number of ‘/’ in the URL (column 509)*” (column 8, lines 25-26).
24. **Regarding dependent claims 4 and 11**, the claims are rejected for fully incorporating the deficiencies of their base claims.
25. **Regarding dependent claim 12**, Pirolli recites: “*The meta-information for the page is also extracted and stored, step 204*” (column 6, lines 15-16).
26. **Regarding independent claim 13**, the claim is directed toward a computer program product for the method of claim 1, and is rejected with the same rationale.

27. **Regarding dependent claim 14**, the claim is directed toward a computer program product for the method of claim 7, and is rejected with the same rationale.
28. **Regarding dependent claim 16**, the claim is directed toward a computer program product for the method of claim 3, and is rejected with the same rationale.
29. **Regarding dependent claim 17**, the claim is directed toward a computer program product for the method of claim 11, and is rejected with the same rationale.
30. **Regarding dependent claim 18**, the claim is directed toward a computer program product for the method of claim 6, and is rejected with the same rationale.
31. **Regarding dependent claim 19**, the claim is directed toward a computer program product for the method of claim 8, and is rejected with the same rationale.
32. **Regarding dependent claim 20**, the claim is directed toward a computer program product for the method of claim 9, and is rejected with the same rationale.

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33. **Regarding dependent claim 21**, the claim is directed toward a computer program product for the method of claim 10, and is rejected with the same rationale.
34. **Regarding dependent claim 22**, the claim is directed toward a computer program product for the method of claim 12, and is rejected with the same rationale.
35. **Regarding dependent claim 28**, Pirolli discloses organizing the hyperlinked documents into sub collections in Figure 8 at reference sign 804 (shown as "*WWW pages as feature vectors*"). Pirolli discloses determining a title for the sub collection based upon words occurring in the documents. Pirolli recites: "*categorization of documents. For instance, this service is provided by Yahoo.TM., which has a hierarchy of Web pages that define a topic taxonomy*" (column 1, lines 54-57).
36. **Regarding dependent claim 29**, the claim is directed toward a computer program product for the method of claim 28, and is rejected with the same rationale.

Response to Arguments

37. Applicant's arguments with respect to claims 1, 3, 4, 6-14 and 16-22 have been considered but are moot in view of the new ground(s) of rejection presented above.

38. **Regarding claim 1**, the applicant recites: *"the claim satisfies the requirement of Section 101"* (amendment filed 9/13/2004, page 11, last paragraph). Applicant is directed to the rejection of claim 1 under 35 CFR 101 as restated above. The examiner suggests the applicant modify the preamble of the claim to recite a *"computer-implemented method"* to overcome this rejection.

39. **Regarding claims 1 and 13**, the applicant recites: *"Pirolli does not teach referencing the anchor and the object based on respective locations within a meta-document, wherein the meta-document is a collection of the seed document and the at least one hyperlinked document"* (amendment filed 9/13/2004, page 13, fifth paragraph). Applicant is directed to the new grounds of rejection of claims 1 and 13, under 35 CFR 103, as stated above.

Conclusion

40. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

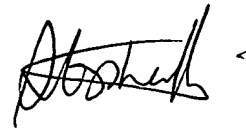
41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
February 23, 2005



STEPHEN HONG
SUPERVISORY PATENT EXAMINER